

April 7, 2004 BZA



REQUEST ANALYSIS  
AND  
RECOMMENDATION

04AN0211

Teresa S. Edwards and Alvie Edwards, Jr.

Matoaca Magisterial District  
7723 Woodpecker Road

**REQUEST:** An amendment to Variance Case 04AN0173 to allow for an immediate family subdivision in an Agricultural (A) and Residential (R-15) District.

**RECOMMENDATION**

Recommend denial of this Variance for the following reasons:

- A. Staff finds there are no extraordinary circumstances or conditions applying to this property which do not apply generally to all other properties in the immediate area.
- B. There are no physical surroundings, shape or topographical conditions on this property that a particular hardship would result to the owner if the requirements of the Zoning Ordinance were carried out and a public road constructed to State standards. It appears that this Variance is based principally on financial consideration.

**GENERAL INFORMATION**

**Location:**

Property is known as 7723 Woodpecker Road. Tax ID 770-637-6486. (Sheet 33)

**Existing Zoning:**

Agricultural (A) and Residential (R-15)

Size:

9.1 acres

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - A; Residential  
South - A and R-15; Residential and vacant  
East - A; Residential  
West - A; Vacant

Utilities:

Private well and septic system

Transportation:

The Thoroughfare Plan shows a proposed limited access facility (East/West Freeway) extending just north of the subject property. The Plan also shows a proposed interchange for the East/West Freeway on Woodpecker. The interchange and freeway shown on the attached map is for illustration purposes only. The actual design and location may change its impact on the subject property.

General Plan:

(Southern and Western Area Plan)

Residential use  
(1 – 5 acre lots)

DISCUSSION

The applicants request an amendment to Condition 5 of Case 04AN0173 to allow a family subdivision. The applicants are proposing to give their son some land to build on from the subject property.

The applicants provide the following justification in support of this request:

We were unaware of this condition and when we purchased the land we planned on giving our son some of it. We can't divide to our son unless this condition is removed.

On January 7, 2003, the Board of Zoning Appeals approved a Variance to use a parcel of land which has no public road frontage for dwelling purposes (Case 04AN0173). Condition 5 of this case

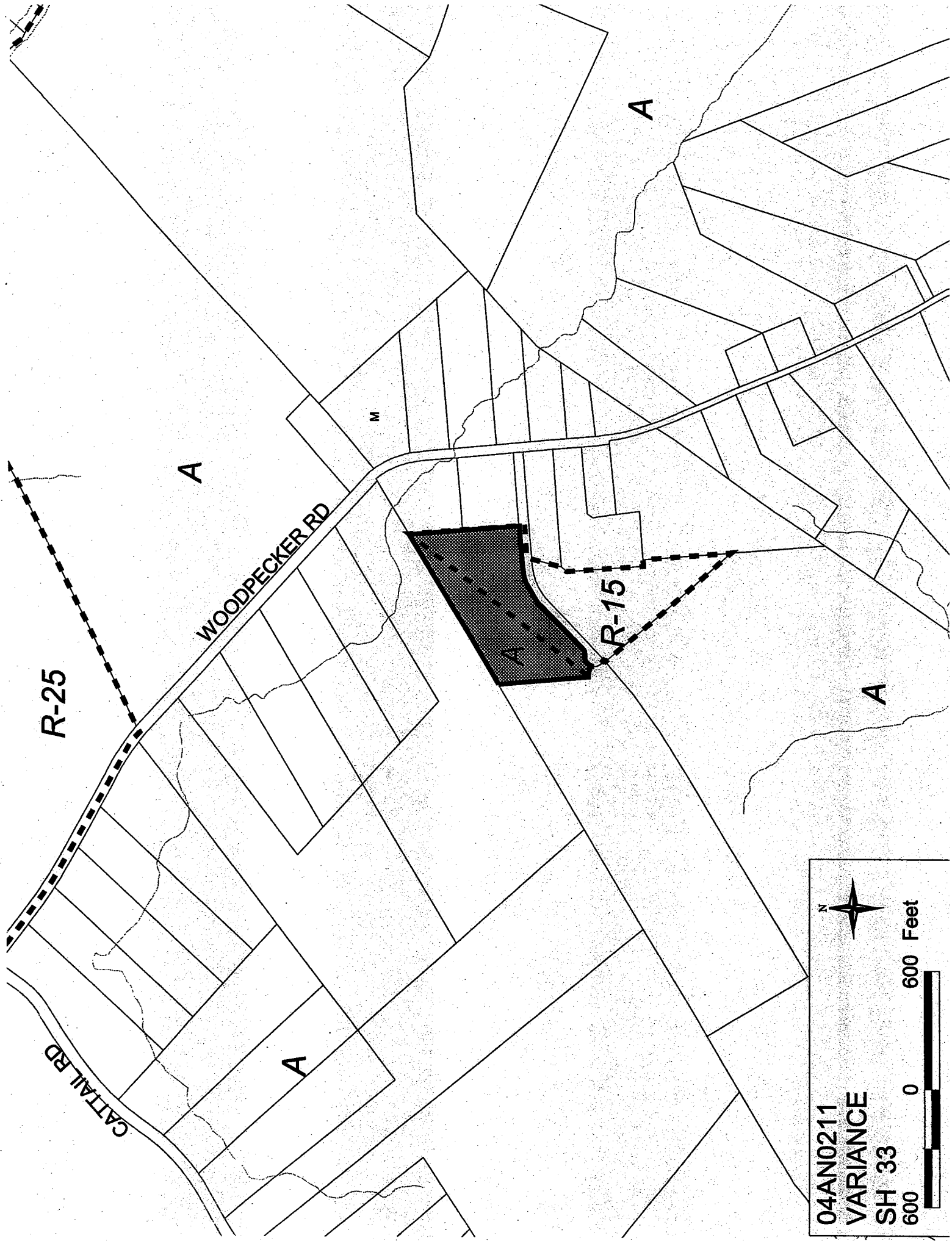
restricted the applicants from further subdividing this property including any family subdivisions, unless public road frontage is provided (see attached minutes).

The applicants are proposing to divide the subject property giving their son property. The subject property lies on 9.1 acres located 391.14 feet west of Woodpecker Road. The plan submitted with this application shows a fifty (50) foot wide right of way. Access within this right of way is constructed of compacted dirt, rock and gravel.



As required by the Zoning Ordinance, the applicants have provided no information which would serve as a basis for granting this request. Staff finds no physical surroundings, shape or topographical conditions on the property which would present a particular hardship to the owner if this request were denied. Staff finds no conditions upon which this request is based which are unique to the property and do not apply generally to other properties in the area.

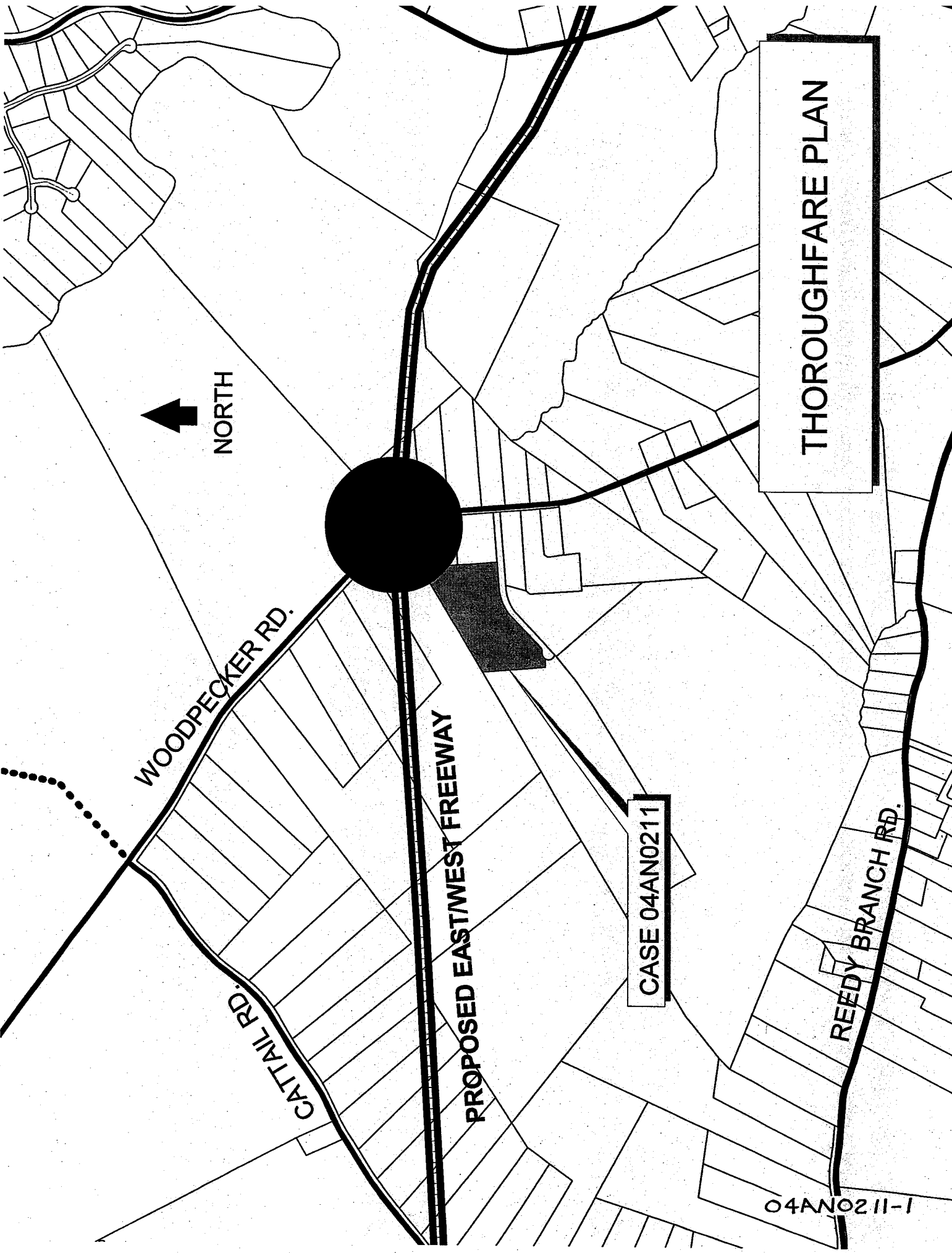
If this request is approved, the applicants have created two (2) separate lots. The applicants could in the future, request a Variance for no public road frontage on the undeveloped parcel. Staff believes that the potential exists to develop a subdivision by amending Condition 5 of Case 04AN0173 which restricts any further division of this property unless public road frontage is provided. Therefore, staff recommends that this request be denied.

(NOTE: The previously imposed conditions of Case 04AN0173 will remain in full force and effect whether this request is approved or denied.)



04AN0211  
VARIANCE  
SH 33  
600 0 600 Feet





THOROUGHFARE PLAN

CASE 04AN0211

04AN0211-1